

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Tuesday, July 28, 2015
7:00 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 7:03 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Mayor Sasser gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Commissioner Brown requested that the Commission discuss a prospective Resolution to oppose hydraulic fracturing ("fracking") or other drilling for oil products in the Florida Everglades. It was determined that this discussion would be included under New Business as Item 13d.

5. PRESENTATIONS

The following Item was taken out of order on the Agenda.

a. State Rep. George Moraitis – Legislative Update and Town Scuba Diving Recognition (Steve d'Oliveira, Public Information Officer)

Mayor Sasser introduced State Representative George Moraitis, who provided all present with a legislative update. He advised that the State Legislature has committed \$7 million toward the beach re-nourishment project, which will begin later this year. He also sponsored a bill that would require a one-week minimum for vacation rentals, and has requested that the Florida League of Cities assist with enacting this compromise.

Rep. Moraitis continued that while sober houses are allowed under the Americans with Disabilities Act, the Legislature hopes to encourage these facilities to be inspected and provide criminal background checks for clients. Recent legislation requires that State-funded facilities may refer clients to registered and inspected sober houses only.

With regard to license plate reader (LPR) cameras, Rep. Moraitis advised that there is the possibility that the new Secretary of Transportation will allow greater flexibility for the placement of these devices. At Commissioner Brown's request, he agreed to place this issue near the top of his agenda for the next session.

Responding to questions from the Commission, Rep. Moraitis confirmed that he was recently awarded the State's Defender of Home Rule Award, which recognizes efforts to advance local government initiatives. Mayor Sasser acknowledged that Rep. Moraitis has offered to continue assisting the Town with issues of this nature, particularly in relation to vacation rentals.

Commissioner Dodd expressed concern with the approval process for All Aboard Florida, which occurred before the public input process was complete. Rep. Moraitis advised that quiet zones throughout the entire South Florida Region and additional safety improvements will be implemented as a result of All Aboard Florida, and noted that this project is privately rather than publicly funded. He added that compromises to protect the interests of the marine industry are also being discussed.

Rep. Moraitis concluded by reading a Resolution that recognized Lauderdale-By-The-Sea for its diving opportunities and thanking the Town for enhancing and preserving these opportunities for the future. All present responded with a round of applause.

b. Presentation of Pay By Phone July 4th Giveaway Winner

Omar Ghanchi, winner of the July 4th drawing, was presented with an Apple Sport Watch by PayByPhone and the Town. It was noted that Lauderdale-By-The-Sea is one of only two Florida municipalities that absorb PayByPhone's fee, which leads to greater use of the service.

c. Explanation of Maintenance of Traffic (MOT) Plan and Schedule for the Commercial Blvd. Mid-Blocks Project (Connie Hoffmann, Town Manager)

Town Manager Connie Hoffmann introduced Paul Carty, Senior Vice President of State Contracting Engineering Corp (SCEC), who explained the Maintenance of Traffic (MOT) plan for the Commercial Boulevard Mid-Blocks project. Mr. Carty advised that the plan requires traffic to be re-profiled along the length of the project according to the following phasing:

- Phase 1: Median Reconstruction;
- Phase 2: beginning on the north side of Commercial Boulevard, build and widen sidewalks for consistency, working west to east. This will include intermittent closures of Bougainvillea Drive on the North bound side and the South bound side. Completion is estimated for September 25;

- Phase 3: South Side Construction - continue replacing/widening sidewalks on the south side of the street, working west to east. Will also include intermittent closures of Bougainvillea Drive to complete crosswalk and repaving. Completion is estimated for November 10.

Mr. Carty advised that Phase 1 is nearly complete and Phase 2 is expected to begin the first week of August. The north side is scheduled for completion first due to the larger number of retail businesses on the north side and the complication of a gas main on the south side of the roadway that may require relocation.

It was noted that right turns during red lights on the corner of Commercial Boulevard and A1A are expected to be prohibited for the duration of the north side of the project, as traffic on Commercial Boulevard will be reduced to a single lane. The prohibition will not be permanent.

Town Manager Hoffmann stated that she and Assistant to the Town Manager Pat Himelberger have met with some of the merchants who expressed their concerns about the project at the July 14 meeting. She explained that concerns include visibility of the businesses and the ability of customers to reach the stores' front doors. Banners have been printed for the stores, and it was confirmed that parking will remain accessible through some parts of the project. A sign will be placed on the north side of the street showing pedestrians where to cross in order to access these businesses. Two of the businesses thought the Town would be closing off Seagrape Drive, which is not the case. She confirmed that Seagrape Drive will not be closed more than one to two nights during the construction of the crosswalk.

Another concern was that the project might continue through the Friday following Thanksgiving. Town Manager Hoffmann asserted that the Town's past experiences with State Contracting have been very positive, and work is expected to remain on schedule.

Town Manager Hoffmann recalled that in the past, the Town has waived sidewalk café fees for businesses affected by construction projects. She suggested that the fee for outdoor dining be waived for restaurants affected by the mid-block project in fiscal year (FY) 2016. These restaurants, which include Basilic, Pronto, and Pump Sushi, will also be allowed to display temporary banners advertising that they are open during construction. The Town will provide entertainment events from its marketing budget once construction is complete in order to draw customers back to these businesses.

The Commissioners agreed to waive the outdoor dining fee and allow banners by unanimous consensus. Mayor Sasser commended Town Manager Hoffmann and Town Staff for meeting with the businesses to arrive at a solution. Town Manager Hoffmann suggested inviting representatives of State Contracting to a September Commission meeting so they may provide an update on the project's progress.

6. PUBLIC COMMENTS

None.

7. PUBLIC SAFETY DISCUSSION

a. BSO June 2015 Report (Captain Fred Wood)

Captain Fred Wood praised the work of Detective Danny Mursell, who was named Deputy of the Month due to his contributions to resolving three cases - a case of credit card theft, a second case involving break-ins, and the retrieval of an individual's lost money. All present recognized Det. Mursell's work with a round of applause.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

b. VFD June 2015 Report (Chief Judson Hopping)

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

c. AMR June 2015 Report (Chief Brooke Liddle)

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. Town Manager Report (Connie Hoffmann, Town Manager)

The Commissioners accepted the report with no discussion.

b. June 2015 Finance Report (Tony Bryan, Finance Director)

The Commissioners accepted the report with no discussion.

c. Chamber of Commerce Welcome Center June Report (Tedra Smith, Town Clerk)

Courtney Stanford, representing the Chamber of Commerce, thanked the Town Manager and Staff for their outreach to the businesses concerned about the Commercial Boulevard project

Town Manager Hoffmann informed that the Chamber is willing to help by publicizing informational meetings to the businesses of the Town.

The Commissioners accepted the report with no discussion.

9. TOWN ATTORNEY REPORT

Town Attorney Susan Trevarthen advised that a significant development in the ongoing Sunrise litigation has resolved two Federal claims in favor of the city of Sunrise. Two State claims have been returned to State court and further developments are awaited.

10. APPROVAL OF MINUTES

- a. June 14, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.

11. CONSENT AGENDA

It was determined that Items 11a, 11c, 11d, and 11e would be pulled for discussion.

- a. Tennis Court Lighting (Don Prince, Municipal Services Director)**

Commissioner Dodd asked if the individual parts of the proposed lamps will be replaceable, as he had concerns regarding their longevity due to the proximity of the beach. Municipal Services Director Don Prince confirmed that all parts of the lamps may be replaced, and added that their manufacturer is located in Dania Beach.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

- b. Tennis Court Surface and Fence (Don Prince, Municipal Services Director)**

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

- c. Ranking of Audit Firms (Tony Bryan, Finance Director)**

Mayor Sasser expressed concern that it could be to the Town's benefit to change audit firms every few years in order to gain a new perspective. Finance Director Tony Bryan advised that the Audit Committee considered several aspects of the audit process, including the work previously done by the Town's audit firm and individual auditors, before arriving at a decision.

Town Manager Hoffmann clarified that the Audit Committee, not Staff, makes the recommendation of which audit firm should be selected to the Town Commission. The Committee consists of Town residents with expertise in the financial arena. It was clarified that if there are concerns regarding the assignment of individuals who have worked with the Town in the past, the firm will assign new auditors at the Town's request. Ron Piersante, member of the Audit Committee, stated that he agreed with Finance Director Bryan's assessment of the recommended firm and that he was quite confident the current audit team would be diligent.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

d. Ranking of Responses to RFP for Program Development & Delivery for Senior Community Center & Evening General Interests Programs (Connie Hoffmann, Town Manager)

Commissioner Brown commended Armilio Bien-Aime, whom he noted had brought a wide variety of topics and events to the Town. He recommended the night programs to all present.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

e. Special Event Application from Kiwanis Club of LBTS for Two Arts and Crafts Shows. The First Show is proposed for Saturday and Sunday, September 12-13, 2015, and the Second Show on May 14-15, 2016 (Bud Bentley, Assistant Town Manager)

Commissioner Brown advised that while he is supportive of the Kiwanis Club and its work, he had reservations regarding Arts and Crafts Shows in the Town, which have not been successful in the past and have contributed to traffic disruptions. He also expressed concern with the possibility of inclement weather in September. He suggested that the Commission approve the September event only so the Applicant may determine whether or not a second event is worthwhile.

Jerry Sehl, representing the Kiwanis Club, stated that approval for two dates was being requested as a cost saving measure. He added that the Kiwanis Club carries insurance at a national level, and briefly described some of the safety measures to be taken during the event. He also clarified that food will not be sold at the event and no booths or tents will be placed in front of businesses. Local chapters of the Kiwanis Club will provide volunteers to assist with the Arts and Crafts Show.

The Town Manager clarified that the Town may withdraw its permission for future events if concerns arise with the September event. It was also noted that if the May event must be canceled, the Kiwanis Club would not be penalized by the event provider.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve both events and assess the fee at \$300. Motion carried 5-0.

12. OLD BUSINESS

a. Issue of Designated Men's Bathroom at the Public Restrooms (Connie Hoffmann, Town Manager)

Town Manager Hoffmann recalled that at the July 14 meeting, Commissioner Brown had requested that Staff reconsider the configuration of facilities within the public restroom. Upon reviewing this request, the Town's architect explained that building Code provisions have parity provisions regarding the number of fixtures between men's and women's restrooms.

Tony Abbate, Architect, advised that the approved schematic was based on an extensive study of options during the restroom project's programming and schematic design phases, and is believed to provide the most flexibility and complies with the Building Code. He reviewed the current site plan, which includes four restroom facilities as well as storage facilities, which could be converted to restrooms at a later date if necessary. The four facilities are the same size with lockable doors.

Mr. Abbate advised that the Florida Building Code requires an assignment ratio of 3 to 2 for women's and men's fixture facilities respectively. This would require three water closets to be provided for women for every two urinals provided for men. If two urinals are added in a single space, however, they must be separated with privacy barriers, which affects the parity calculation of facilities and would therefore require six water closets for women.

Mr. Abbate showed an alternate schematic which would include two women's restrooms, one men's restroom, and one family restroom, with urinals included in the men's and family rooms. The storage facilities could be converted at a later time if necessary to provide additional men's and women's restrooms. He estimated that the urinals would cost approximately \$1500-\$2000 each, although a modification to the building's wall could further increase costs.

Mayor Sasser observed that the restroom project has grown from its original scope and has become more costly than intended. Commissioner Brown advised that he did not feel two storage rooms were necessary to the facility, and suggested that there be one designated men's room with a single urinal as well as two family/women's restrooms, using space originally slated for storage. He concluded that family restrooms could include a urinal as well as a toilet.

Town Manager Hoffmann addressed the issue of storage, recalling that Municipal Services Director Prince has noted that this storage space was not a necessity. She

also addressed a statement made at the last Commission meeting which implied that the landscaping for the restroom project would cost more than the landscaping for the Commercial Boulevard Mid-Blocks project. That statement was not accurate as the landscaping budget for the restroom project is only \$20,000. She thought the figure referenced in the last meeting included the cost of the public plaza area at the restrooms, which features lighting, paving, and landscaping. She added that Mr. Abbate had met with Mr. Carty of State Contracting to discuss using alternate building materials in order to reduce construction costs.

Commissioner Sokolow asserted that it is not advisable to add a men's room with only one urinal; adding a urinal to a family room with a toilet still means only one individual may use that room at a time. He advocated returning to the original schematic, as did Vice Mayor Vincent and Commissioner Dodd.

In response to questions from Vice Mayor Vincent, Mr. Abbate provided an overview of the materials to be used in the construction of the restroom. He stated he was comfortable with the change in materials suggested by State Contracting, that they were MIMO in nature, and that they did not affect his design intent.

In response to a question, the Town Manager explained why the restroom will include neither a shower nor foot-washing facilities.

Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to go forward with the original schematic design, going from poured concrete to a less expensive alternative. Motion carried 4-1 (Mayor Sasser dissenting).

13. NEW BUSINESS

- a. State Contracting & Engineering Corporation's (SCEC) proposed Guaranteed Maximum Price (GMP) to construct the Basin Drive Drainage from Seagrape to West Tradewinds (Don Prince, Municipal Services Director)**

Municipal Services Director Don Prince advised that this Item would award the construction contract for the Basin Drive drainage project to State Contracting. He explained the project had expanded since originally contemplated in the Chen drainage priorities report to include ten parking spaces (8 near the Benihana lot, the other two by the grass lot), rebuilding the Town-owned sidewalk in front of the marina building to make it Americans with Disabilities Act (ADA)-compliant, and repaving the parking areas along East Tradewinds. Roughly \$80,000 of the project's costs will come from the Parking Fund, with the remainder to come from the Capital Fund. The Town Manager pointed out there were savings realized – as promised by State – in the Basin Drive project because of supervisory and storage yard overlap between this project and the Commercial Boulevard mid-blocks project. The project is scheduled to begin in mid-August, to be completed by December 1, 2015.

Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

b. FY 16 Budget Mayor & Commission Salaries (Connie Hoffmann, Town Manager)

Town Manager Hoffmann advised that when she undertook a salary survey for Town Staff, she also surveyed Mayoral and Commission salaries at the Town Commission's request. This item is included on the Agenda because the proposed budget includes a provision for a 5% salary increase for the Mayor and Commissioners.

The Commissioners discussed the Item, with Commissioner Dodd stating that the Town should take steps to bring its salaries in line with those of similarly sized municipalities. Commissioner Brown estimated that the total budget increase would be insignificant. Vice Mayor Vincent and Mayor Sasser were not in favor of the proposed increase. Commissioner Sokolow noted that the Commissioners' compensation is significantly low when compared to the time they regularly invest in Town business and he supported an increase.

Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve the 5% increase. Motion carried 3-2 (Mayor Sasser and Vice Mayor Vincent dissenting).

c. Establishing a Fee for the Rollback of Waste of Recycling Carts that have been left at the Street (Commissioner Stuart Dodd)

Commissioner Dodd explained that the proposed fee would help Town Staff cover the costs of sending an individual to address carts not rolled back from the curb after trash pickup. He noted that this is a particular issue with vacation rental properties.

Mayor Sasser asked if services are available to assist senior citizens or individuals with disabilities with rollback of carts. Asst. Town Manager Bentley advised that collection providers typically offer valet pullout/rollback service for individuals with disabilities if a doctor's certification is provided. At Mayor Sasser's request, Asst. Town Manager Bentley agreed that he would look into the possibility of valet service for senior citizens.

It was clarified that under current policy, homes that regularly leave their carts by the curb are subject to citation from Code Enforcement, although they are not rolled back by Town or WastePro Staff. The proposed policy would be more likely to address individuals who may be out of town and make no provisions for attention to their carts.

Commissioner Brown expressed concern that the proposed policy would make things easier for vacation rentals, as habitually offending properties would not receive citations but would instead be charged a fee. Commissioner Sokolow asked how often this issue

occurs. Assistant Town Manager Bentley replied it did not occur often. He indicated that the Town had discontinued trash service and removed the cart from the obitual offender on Imperial Lane. Commissioner Sokolow expressed his opposition to the proposal. Vice Mayor Vincent stated that he was opposed to the proposal, advocating instead that individuals be good neighbors and pull in their neighbors' waste carts when they can't or are away.

The majority of Commissioners decided they did not want to establish such a fee.

d. Discussion to have Town Attorney draft a Resolution opposing drilling in the Everglades (Commissioner Mark Brown)

Commissioner Brown explained that the issue has been discussed by the Florida League of Cities, and expressed concern for the protection of the State's aquifers and underground water sources. Town Attorney Trevvarthen advised that her firm had prepared such a Resolution for the city of Miramar so there would be nominal cost in preparing one for the Town.

There was consensus among the Commissioners to proceed with this Resolution and bring it forward at the next meeting but to keep it non-political. Mayor Sasser requested that the Resolution specifically address the environmental concerns for the aquifer cited by Commissioner Brown.

14.COMMISSIONER COMMENTS

Commissioner Dodd advised that he had missed a recent Hillsboro Inlet meeting, and there has been no meeting of the Coastal Oceans Task Force. He expressed concern that paddleboard rentals can be dangerous for inexperienced boarders in strong winds. He was concerned about the Town's liability. He suggested that the conditional use agreement be modified to add could be language about safety procedures. The Town Attorney advised the conditional use approval was already given and that the Town does not operate this concession and would therefore not be liable.

Mayor Sasser invited all present to participate in the upcoming Bugfest-By-The-Sea.

Commissioner Brown referred to a recent shooting of a turtle volunteer that occurred on the beach, noting that individuals volunteering on behalf of sea turtles reported they were often threatened or harassed. He advised that a Public Meeting between the Broward Sheriff's Office, State and local environmental organizations, and turtle volunteers will be held on Wednesday, August 5, 2015, at 10 a.m. in Jarvis Hall to discuss safety issues. The public is invited to attend.

15. ORDINANCES

Ordinances 1st Reading

- i. **2015-07 – An Ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, setting March 15, 2016 for the Town’s 2016 General Municipal Election Date to coincide with the Presidential Preference Primary Election Date as allowed by Section 101.75, Florida Statutes; establishing the qualifying period for the 2016 General Municipal Elections to occur from noon on Monday, January 4, 2015 through noon Monday, January 11, 2016 as required by the Supervisor of Elections; providing for the date on which elected officials take office; providing for conflicts, severability, and an effective date (Tedra Smith, Town Clerk)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Sokolow made a motion, seconded by Vice Mayor Vincent, to adopt the Ordinance on first reading. Motion carried 5-0.

- ii. **2015-10 – An Ordinance of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, amending Section 12-22 of the Town Code of Ordinances to decrease Business Tax Rates as set forth in Exhibit “A;” providing for conflicts, severability, and for an effective date (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

- i. **Resolution 2015-27 – A Resolution of the Town of Lauderdale-By-The-Sea, Florida, approving and authorizing the execution of the Third Amendment to the Interlocal Agreement creating the Broward Metropolitan Planning Organization; providing for**

conflicts, severability, and for an effective date (Commissioner Mark Brown)

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Brown made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.

- ii. **Resolution 2015-28 – A Resolution of the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, urging Broward County to negotiate with Transportation Network Companies and adopt reasonable regulation that preserves and enhances Public access to a variety of for-hire transportation options within the County; providing for an effective date (Connie Hoffmann, Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Sokolow observed that several Broward County municipalities are exploring the possibility of passing their own Ordinances to allow the operation of transportation network companies. He stated his support for the Resolution and suggested that Lauderdale-By-The-Sea consider taking similar action.

Town Attorney Trevarthen confirmed that other municipalities have been provided with an opinion stating that they may take action to regulate these providers and seek to pressure the County to negotiate further. Commissioner Brown advised that while he is in favor of pressuring the County toward negotiation, he was not in favor of the Town establishing its own regulatory policy for transportation network companies, as there are legitimate issues that the County wishes to address.

Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to pass the Resolution. Motion carried 5-0.


17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

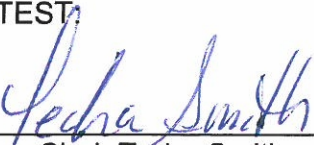
With no further business to come before the Commission at this time, the meeting was adjourned at 9:47 p.m.

Town of Lauderdale-By-The-Sea
Regular Town Commission Meeting
July 28, 2015



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Smith



Date